

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                    |   |                            |
|------------------------------------|---|----------------------------|
| GENERAL KINEMATICS CORPORATION,    | ) |                            |
| an Illinois corporation,           | ) |                            |
|                                    | ) |                            |
| Plaintiff,                         | ) | Case No. 08-CV-1264        |
|                                    | ) |                            |
| v.                                 | ) | Judge David H. Coar        |
|                                    | ) |                            |
| CARRIER VIBRATING EQUIPMENT, INC., | ) | Magistrate Judge Schenkier |
| a Kentucky corporation,            | ) |                            |
|                                    | ) |                            |
| Defendant.                         | ) |                            |
|                                    | ) |                            |

**PROPOSED SCHEDULING ORDER (PATENT CASES)**

**1. Discovery**

The following time limits and deadlines shall be applicable.

- A. All disclosures required by Rule 26(a)(1) shall be made on or before June 20, 2008.
- B. Any amendments to pleadings or actions to join other parties shall be filed on or before December 1, 2008.  
  
(It is recommended that any joinder or amendments be made early in the discovery process so as to avoid the need to prolong discovery as to new parties or new issues.)
- C. Claim Construction and Invalidity
  - 1. The patent holder shall disclose asserted claims and infringement contentions by October 1, 2008.
  - 2. The accused infringer shall disclose any invalidity contentions by December 1, 2008.
  - 3. Both parties shall exchange their respective versions of proposed terms and claim elements for construction in the form of jury instructions by December 1, 2008.
  - 4. Both parties shall disclose any extrinsic evidence in support of their respective claim constructions by December 31, 2008. As to any experts so

disclosed, a Rule 26(a)(2) report shall be included as part of the disclosure. Discovery as to extrinsic evidence shall be on an expedited basis.

5. Any modification to the proposed terms and claim elements for construction shall be filed by January 14, 2009.

6. Both parties shall file their memoranda in support of their respective versions of claim construction along with any exhibits to be offered during the *Markman* hearing and a list of witnesses who will be called to testify at the hearing by February 15, 2009.

(In addition to any lay witnesses called, each side is limited to no more than one expert witness)

7. Both parties shall file any responsive memoranda in support of their respective versions of claim construction along with any exhibits to be offered during the *Markman* hearing by March 15, 2009.

D. The cutoff of any other fact discovery is June 30, 2009.

E. The parties shall disclose any other expert testimony pursuant to Rule 26(a)(2) on or before July 15, 2009.

F. The parties may depose the other side's expert at any time prior to August 1, 2009.

G. The parties shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(c) at any time prior to August 15, 2009.

H. The parties shall have until September 1, 2009 to depose the opposing party's rebuttal expert.

## **2. Motions**

Any dispositive motions to be filed on or before September 15, 2009. (Ordinarily this date will be 30 days following the close of fact discovery and after the Markman Hearing.)

## **3. Final Pretrial Order and Conference**

The final pretrial order shall be filed on or before December 13, 2009. (Ordinarily this date will be 90 days after the deadline for dispositive motions.)

The final pretrial conference will be held on \_\_\_\_\_ at  
\_\_\_\_\_.m. (This date and time will be set by the Court at the Rule 16  
conference.)

**4. Trial**

Trial is set in this matter on \_\_\_\_\_ at 10:00 a.m.  
(The trial date will be set by the Court at the Rule 16 conference.)

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable David H. Coar  
United States District Court Judge  
Northern District of Illinois